



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-097

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

- a. The analysis should provide a brief explanation of the changes being made by this rule to the former program of assistance to needy veterans.
- b. In s. VA 2.01 (1), the definitions should be placed in alphabetical order. [See s. 1.01 (7) (a), Manual.] Also, s. VA 2.01 (1) (intro.) should read simply: “In this section.”
- c. The subdivision numbers in s. VA 2.01 (2) (b) should appear without parentheses and should be followed by a period.
- d. In s. VA 2.01 (2) and (3), the paragraph titles should be shown in italics. Also, in sub. (2) (b), the subdivision titles should be placed within single quotation marks. [See s. 1.05 (2), Manual.]

4. Adequacy of References to Related Statutes, Rules and Forms

Section VA 2.01 makes reference to a number of forms. The requirements of s. 227.14 (3), Stats., should be met.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. In the list of statutes interpreted, “sec.” should read “s.”.
- b. In the first paragraph of the analysis, “Wis” should read “Wisconsin.”

- c. In s. VA 2.01 (1) (b), the “ss.” should be changed to “s.”.
- d. In s. VA 2.01 (1) (d), line 1, “saving” should be changed to “savings.”
- e. Section VA 2.01 (1) (f) should be rewritten to read: “‘Denture’ means a dental device that replaces one or more teeth and includes all dental preparation and the manufacture and fitting of the device.”
- f. In s. VA 2.01 (1) (g), line 1, it is suggested that “Department” be dropped from the defined term, to avoid confusion with the definition of “department,” which is the state Department of Veterans Affairs. Also, is there a difference between “treatment programs” and “certified alcohol and other drug abuse treatment programs”? If not, the same terminology should be used for both to avoid confusion. Finally, the phrase “as determined by the State of Wisconsin Department of Health and Family Services” is confusing. What is the department determining? Should it instead say “certified by the Wisconsin Department of Health and Family Services”?
- g. The definition of “earned income” in s. VA 2.01 (1) (h) is not clear. Does it include the monthly take home earnings of all family members, as implied by the phrase “all payroll deductions of the applicant and the applicant’s family”? Also, for readability, the phrase “and work study payments” should be moved up to follow “national guard pay.” The entire definition should be reviewed and reworded.
- h. In s. VA 2.01 (1) (L), a comma should be inserted after the word “including.” [See, also, sub. (1) (o).]
- i. In s. VA 2.01 (1) (m), an ophthalmologist (misspelled in rule) is a licensed physician and would not have to be listed separately.
- j. In s. VA 2.01 (1) (o), “had” should be changed to “has” and the last phrase should read “a fire, flood, tornado, blizzard, or earthquake.”
- k. In s. VA 2.01 (1) (t), line 3, “(USDVA)” should be inserted after “Affairs.” On line 5, what is meant by “definite” awards? The entire definition is confusing and should be rewritten to group together and clarify what is, and is not, included in unearned income.
- l. In s. VA 2.01 (2) (a), the “must” on lines 4, 5, and 7 should be changed to “shall.” The comma on line 6 should be deleted. On line 7, the end of the last full sentence should read “the federal or state government.” The next sentence should start with: “If requested by the department, the applicant shall submit...” The “will” on lines 9 and 10 should be changed to “shall.” On line 10, “that the” should be changed to “if any.”
- m. In s. VA 2.01 (2) (b) 1., line 1, “subsection” should be changed to “subd.” A comma should be inserted after “office” on line 3. On lines 4 and 5, the sentence could be reworded to read: “An applicant may apply for subsistence aid, health care aid, or both.” On line 5, what is an “authorized” application? On line 6, what is meant by having the maximum available aid “encumbered”? On lines 7 and 8, “will” should be changed to “shall.” On line 9, “aid” should

be inserted after “subsistence.” On lines 11 and 12, is there a difference between “the dollar amount available for each type of aid” and “the amount of aid being authorized”? On the last line, to whom does “provider” refer? The recipient’s health care provider?

n. In s. VA 2.01 (2) (b) 2., should the references be to unremarried *surviving* spouses? On line 3, use of “also” is confusing. What is that evidence in addition to?

o. In s. VA 2.01 (2) (b) 3., were members of the Reserves intentionally, or inadvertently, excluded from the service members listed? To what does “also” refer on line 3? What is that information in addition to? On line 4, the phrase “a loss of income has occurred” should be moved to follow the first “that.” Also, is it intended that the family show both that a loss of income *and* an economic emergency has occurred? The use of “and” on line 5 requires that both be shown. On line 5, to whom does “they” refer, the family members or the service member?

p. In s. VA 2.01 (3) (a), line 1, “will” should be changed to “shall.” The first two sentences should be rewritten in the active voice. On line 7, “date” should be inserted after “expiration.” On line 8, for consistency, “benefits” should be capitalized. The last sentence states that a second application for health care could be submitted if the patient will not incur additional costs. Would additional costs be the reason for applying for more health care aid? This language needs clarification.

q. In s. VA 2.01 (3) (b), subsistence aid should be granted if the person has a loss of income due to illness, injury (rather than “disability”), or natural disaster as provided in s. 45.40 (1), Stats., as affected by 2005 Wisconsin Act 25. The sentence beginning at the end of line 4 is too lengthy to be readily understood. On line 5, “will” should be changed to “shall.” The sentence beginning at the end of line 9 and the following sentence should be rewritten in the active voice, to indicate who must take the actions. On line 16, the “was” could be changed to “is.” The “must” on line 17 should be changed to “shall.” On line 18, a hyphen should be inserted between “department” and “approved.”

r. In s. VA 2.01 (3) (c), the comma on line 2 should be replaced by “and.” On line 4, the phrase “limited to” could be deleted and the second “to” could be deleted, as could the “to” on line 5. On line 6, “3rd” should be replaced by “third.” In the last sentence, how can the department dictate what health care providers must accept as payment in full?